

## **REMARKS**

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 11 and 12 have been amended. No claims have been cancelled or added. Hence, Claims 1-12 are pending in the Application. It is respectfully submitted that the amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to improve readability and clarity of the claims.

Each issue raised in the Office Action mailed June 29, 2005 is addressed herein. It is respectfully submitted that the rejection of Claims 1-12 as amended are over come for reasons given herein.

## **SUMMARY OF REJECTIONS**

In the Office Action, Claims 11 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,374,402 by Schmeidler et al. (hereinafter "*Schmeidler et al.*")

### **CLAIMS 11 and 12**

Claims 11 and 12 are amended so as to be directed to statutory subject matter. Therefore, it is respectfully submitted that the rejection of Claims 11 and 12 under 35 U.S.C. 101 should be withdrawn.

## CLAIMS 1-12

Independent Claim 1, as amended, recites in part:

"a file system hook operatively interposed between a file system manager and a file system driver of said local computer, the file system hook configured to detect a file system call corresponding to a target program and to perform one or more procedures;"

The novel system recited in Claim 1 requires a file system hook that is configured to detect a file system call. The cited reference does not disclose or suggest such a file system hook. The Office Action specifically refers to column 3, lines 1-6 of *Schmeidler et al.* as allegedly disclosing a file system hook. It is respectfully submitted that the column 3, lines 1-6 of *Schmeidler et al.* does not teach or suggest a file system hook.

Rather, column 3, lines 1-6 of *Schmeidler et al.* teaches away from a file system hook by teaching the mounting of a local file system (see Abstract of *Schmeidler et al.*) by using a virtual driver and a virtual drive to service file system requests. The virtual driver ("VxD"), as taught in *Schmeidler et al.*, retrieves "the requested blocks of briq data from the RAFT server" (col. 3, lines 1-6). Thus, *Schmeidler et al.* teaches the replacement of the original file system driver with a virtual driver VxD.

In contrast, the use of a file hook is completely different than the use of the virtual driver as taught in *Schmeidler et al.*. For example, the file hook does not replace the file system driver but rather the file hook is operatively interposed between the file manager and the file system driver in order to detect file system requests or calls. To explain, the file hook takes control of the file system calls before a file system driver is called to perform the function corresponding to the file system call. Clearly, the file hook does not replace the file system driver because the file hook "may change the call

or make multiple calls to the file system driver" (disclosed on page 6, lines 3-12 of Applicants' specification as filed).

Claims 9 and 11 include limitations that parallel the limitations of Claim 1 and are therefore allowable for at least the reasons set forth herein with respect to Claim 1.

Claims 2-8, 10, and 12 are either directly or indirectly dependent upon independent Claims 1, 9 or 11 and include all the features of their respective independent Claims. Therefore, it is respectfully submitted that Claims 2-8, 10, and 12 are allowable for at least the reasons provided herein with respect to Claims 1, 9 and 11. Furthermore, it is respectfully submitted that Claims 2-8, 10, and 12 recite additional features that independently render Claims 2-8, 10, and 12 patentable over the art of record.

## CONCLUSION

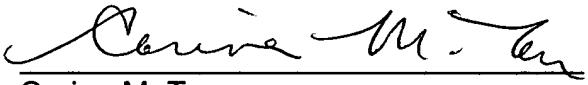
For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4311.

The Commissioner is authorized to charge any fees due to Applicants' Deposit Account No. 50-2207.

Respectfully submitted,  
Perkins Coie LLP

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